

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

Board Case No. MD-09-0433A

4 **DOUGLAS W. HALLIDAY, M.D.**

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

5 Holder of License No. 36606
6 For the Practice of Allopathic Medicine
In the State of Arizona.

(Decree of Censure with
Probation)

7
8 The Arizona Medical Board ("Board") considered this matter at its public meeting on
9 October 7, 2009. Douglas W. Halliday, M.D., ("Respondent") appeared before the Board for a
10 formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H). The
11 Board voted to issue Findings of Fact, Conclusions of Law and Order after due consideration of
12 the facts and law applicable to this matter.

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control
15 of the practice of allopathic medicine in the State of Arizona.

16 2. Respondent is the holder of License No. 36606 for the practice of allopathic
17 medicine in the State of Arizona.

18 3. The Board initiated case number MD-09-0433A after receiving notification from
19 the New York Medical Board that in March 2009, Respondent entered into a Consent
20 Agreement for three years stayed suspension with three years probation and a \$20,000 fine.

21 4. The New York Medical Board investigated the care and treatment that
22 Respondent provided to 17 patients and found that he deviated from the standard of care by
23 using non-FDA approved botulinum neurotoxin; failing to obtain adequate preoperative
24 evaluation and history; failing to adequately inform patients of risks, and failing to advise
25 patients of treatment options. The New York Medical Board also found that Respondent failed to
26 maintain adequate medical records.

5. On March 10, 2009, Respondent entered into a Consent Agreement for Three Years Stayed Suspension with Three Years Probation ("Consent Agreement") for failure to conform to minimal standards of acceptable medical practice in violation of N.Y. Educ. Law § 6530 (3), (4), (5) and (6). Respondent also agreed to pay a \$20,000 fine.

6. Respondent expressly acknowledged that he was entering into the Consent Agreement of his own free will and not under duress, compulsion or restraint.

7. Respondent also acknowledged that he was entering into the Consent Agreement so he could "resolve the matter without the various risks and burdens of a hearing on the merits."

8. Respondent also knowingly waived his right to contest the Consent Agreement and agreed to be bound by it.

9. At the Formal Interview, Respondent admitted that he had signed the Consent Agreement, but disputed certain Findings of Fact.

CONCLUSIONS OF LAW

1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.

3. The New York statutes cited in the Consent Agreement signed by Respondent, namely, N.Y. Educ. Law § 6530 (3), (4), (5) and (6), correspond directly or indirectly to A.R.S. § 32-1401(q), which defines as unprofessional conduct "[a]ny conduct that is or might be harmful or dangerous to the health of the patient or the public."

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §§ 32-1401(27)(o) – (“[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor’s mental or physical

1 inability to engage safely in the practice of medicine or the doctor's medical incompetence or for
2 unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly
3 to an act of unprofessional conduct prescribed by this paragraph. The action taken may include
4 refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a
5 license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that
6 jurisdiction or placing a licensee on probation by that jurisdiction.")

7 **ORDER**

8 Based upon the foregoing Findings of Fact and Conclusions of Law,

9 IT IS HEREBY ORDERED:

10 1. Respondent is issued a Decree of Censure.

11 2. Respondent is placed on probation for three years, to run concurrently with
12 Respondent's New York Medical Board Consent Agreement probation, with the following terms
13 and conditions:

14 a. Continuing Medical Education

15 Respondent shall submit to the Board the certificate of completion of the CME in ethics
16 and clinical practice ordered by the New York Medical Board within one year of the effective
17 date of this Order.

18 b. Obey All Laws

19 Respondent shall obey all state, federal and local laws, all rules governing the practice
20 of medicine in Arizona, and remain in full compliance with any court ordered criminal probation,
21 payments and other orders.

22 c. Notification

23 If Respondent decides to practice medicine in Arizona, he shall notify the
24 Executive Director in writing 30 days prior to commencing medical practice in this State.

25 3. The Board retains jurisdiction and may initiate new action based upon any
26 violation of this Order.

1 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2 Respondent is hereby notified that he has the right to petition for a rehearing or review.
3 The petition for rehearing or review must be filed with the Board's Executive Director within thirty
4 (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or
5 review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-
6 103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-
7 1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes
8 effective thirty-five (35) days after it is mailed to Respondent.

9 Respondent is further notified that the filing of a motion for rehearing or review is
10 required to preserve any rights of appeal to the Superior Court.

11 FILED this 2nd day of December, 2009.



12 THE ARIZONA MEDICAL BOARD

13 By: *Lisa S. Wynn*
14 LISA S. WYNN
15 Executive Director

16 ORIGINAL of the foregoing filed this
17 2nd day of December, 2009 with:

18 Arizona Medical Board
19 9545 East Doubletree Ranch Road
20 Scottsdale, Arizona 85258

21 Executed copy of the foregoing
22 mailed by U.S. Mail this
23 2nd day of December, 2009 to:

24 Douglas W. Halliday, M.D.
25 Address of Record

26 *Kymberly Corley*
Arizona Medical Board Staff